

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2836 OF 2021

Seva Sahakari Sanstha Kandali (Bk.)
Tq. Himayat Nagar, Dist. Nanded
Through its authorized person/delegate
Shantabai Tukaram Shinde ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Shahaji Ghatol Patil, Advocate for the Petitioner.
Mr. S.R. Yadav Lonikar, A.G.P. for Respondent Nos. 1 to 3.
Mr. S.K. Kadam, Advocate for Respondent Nos. 4 and 5.
Mr. R.K. Ingole, Advocate for Respondent No.6.

AND

WRIT PETITION NO. 3681 OF 2021

Babasaheb Pralhadrao Hambarde
and others ... Petitioners.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. D.J.Choudhari, Advocate for the Petitioners.
Ms. V.S. Chaudhari, A.G.P. for Respondent No.1.
Mr. S.K. Kadam, Advocate for Respondent Nos. 2 and 3.
Mr. N.R. Pawade, Advocate for Respondent Nos.4 to 6 and 8 to 10.
Mr. K.J. Suryawanshi, Advocate for Respondent No.7.

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**AND
WRIT PETITION NO. 3786 OF 2021**

Subhash Alla Rathod
and others

... Petitioners.

Versus

The State Co-operative Election Authority,
Maharashtra State, Pune
and others

... Respondents.

....

Mr. Sushant V. Dixit, Advocate for the Petitioner.
Mr. V.H.Dighe, Advocate for Respondent Nos.1 to 3.
Mr. K.J. Suryawnashi, Advocate for Respondent No.10.
Ms. V.S. Chaudhari, A.G.P. for Respondent Nos.4 and 11.

**AND
WRIT PETITION NO. 4017 OF 2021**

Prakash S/o Venkatrao Hendge

... Petitioner.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. D.J.Choudhari, Advocate for the Petitioner.
Ms. V.S. Chaudhari, A.G.P. for Respondent No.1.
Mr. S.K. Kadam, Advocate for Respondent Nos. 2 and 3.
Mr. K.J. Suryawanshi, Advocate for Respondent No.5.

**AND
WRIT PETITION NO. 4096 OF 2021**

Sanjay Madhavrao Patil
and others

... Petitioners.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. D.J.Choudhari, Advocate for the Petitioners.
Ms. P.V. Diggikar, A.G.P. for Respondent No.1.
Mr. S.K. Kadam, Advocate for Respondent Nos. 2 and 3.
Mr. K.J. Suryawanshi, Advocate for Respondent No.4.
Mr. T.K. Mane, Advocate for Respondent Nos. 5 and 13.
Mr. B.B. Bhise, Advocate for Respondent Nos.6 and 7.
Mr. S.A.Hake, Advocate for Respondent Nos.8 and 9.
Mr. N.R. Pawade, Advocate for Respondent Nos.10 to 12.

AND

WRIT PETITION NO. 4097 OF 2021

Laxman S/o Gangaram Bodke
and others ... Petitioners.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. V.D. Hon, Senior Counsel h/f Mr. A.V. Hon, Advocate for the
Petitioners.
Ms. P.V. Diggikar, A.G.P. for Respondent No.1.
Mr. V.H. Dighe, Advocate for Respondent No.2.
Mr. A.M.Gaikwad, Advocate for Respondent No.3.

AND

WRIT PETITION NO. 4098 OF 2021

Anand Diggambarrao Bavne
and others ... Petitioners.

Versus

The State Co-operative Election
Authority, Maharashtra State, Pune,
and others ... Respondents.

....

Mr. Ramraje Deshmukh, Advocate h/f Mr. S.V. Deshmukh, Advocate
for the Petitioners.
Ms. V.S. Chaudhari, A.G.P. for State.
Mr. S.K. Kadam, Advocate for Respondent Nos. 1 to 3.

AND
WRIT PETITION NO. 4099 OF 2021

Narayan Jaywantrao Mangnale
and others

... Petitioners.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. D.J.Choudhari, Advocate for the Petitioner.
Ms. P.V. Diggikar, A.G.P. for Respondent No.1.
Mr. S.K. Kadam, Advocate for Respondent Nos. 2 and 3.
Mr. K.J. Suryawanshi, Advocate for Respondent No.4.
Mr. T.K. Mane, Advocate for Respondent Nos. 5 and 8.
Mr. B.B. Bhise, Advocate for Respondent Nos.6, 9, 11 and 15.
Mr. S.A.Hake, Advocate for Respondent Nos.7 and 14.
Mr. N.R. Pawade, Advocate for Respondent Nos.10, 12, 13 and 16.

AND
WRIT PETITION NO. 4132 OF 2021

Anandrao Laxmanrao Dawkare
and others

... Petitioners.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. D.J.Choudhari, Advocate for the Petitioner.
Mr. P.K. Lakhotiya, A.G.P. for Respondent No.1.
Mr. S.K. Kadam, Advocate for Respondent Nos. 2 and 3.
Mr. K.J. Suryawanshi, Advocate for Respondent No.4.
Mr. T.K. Mane, Advocate for Respondent Nos. 13, 17 and 21.
Mr. B.B. Bhise, Advocate for Respondent Nos.5 to 12 and 20.
Mr. S.A.Hake, Advocate for Respondent Nos.18, 19, 22, 23 and 24.

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**AND
WRIT PETITION NO. 4135 OF 2021**

Sunil S/o Pandurang Bijalgawe ... Petitioners.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. D.J.Choudhari, Advocate for the Petitioner.
Mr. P.K. Lakhotiya, A.G.P for Respondent No.1.
Mr. S.K. Kadam, Advocate for Respondent Nos. 2 and 3.
Mr. K.J. Suryawanshi, Advocate for Respondent No.5.

**AND
WRIT PETITION NO. 4209 OF 2021**

Vijay S/o Nagorao Mangam
and others ... Petitioners.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. D.J.Choudhari, Advocate for the Petitioners.
Ms. P.V. Diggikar, A.G.P for Respondent No.1.
Mr. S.K. Kadam, Advocate for Respondent Nos. 2 and 3.
Mr. K.J. Suryawanshi, Advocate for Respondent No.10.

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 03rd MARCH, 2021

PER COURT:-

1. The petitioners in all these writ petitions are the members of the primary agricultural societies. The elections for the Respondent – Nanded District Central Co-operative Bank Limited (Federal Society) are to be held. The names of the delegates of the societies

represented by the petitioners do not find a place in the voters list. The same is assailed by the petitioners in the present writ petitions.

2. Mr. Hon, learned Senior Counsel, Mr. Choudhari, Mr. Dixit, Mr. Deshmukh and Mr. Ghatol Patil, learned counsel for the petitioners in respective writ petitions submit that the Administrators are appointed over the primary agricultural societies and the Administrators are in-charge of the said societies for more than 4-5 years, though according to the Statute, the Administrator cannot continue for a period more than one year. The learned counsel submits that initially the election programme was published. As per the said programme, the resolutions nominating the delegates were to be sent on or before 31.01.2020. The provisional voters list was to be published on 07.02.2020. The objections were invited up to 26.02.2020. The objections were to be decided by 06.03.2020 and the final voters list was supposed to be published on 11.03.2020. The voters list could not be finalised as the elections were postponed under the executive instructions. Time to time, the same were postponed, initially on account of executive instructions and subsequently because of Covid-19 pandemic. Thereafter, again the respondents initiated the programme for the preparation of the voters list. On 18.12.2019, the fresh programme was published for

finalisation of the voters list. As per the fresh programme, the provisional voters list was to be published on 14.01.2021. The objections to the provisional voters list were invited up to 25.01.2021. The objections were to be decided by 03.02.2021 and the final voters list was to be published on 08.02.2021.

3. As the Administrators were appointed over the societies of which the petitioners were the members, the petitioners were representing with the Secretary and the Administrator of the respective societies to hold the general body meeting so that the name of the delegatee can be sent to the authority for inclusion in the voters list. All the requests made by the petitioners fell of deaf ears. Neither the authorities nor the Administrator and Secretary took steps to hold the meetings. Eventually, the name of the petitioners did not find place in the voters list.

4. The learned counsel for the petitioners strenuously contended that the petitioners are not at fault. It is the boundant duty of the Administrator to hold the general body meeting for passing the resolution and to appoint / select the delegatee to represent the society for the election of the federal society. The petitioners cannot be faulted with on account of the lapses on the part of the Administrator. The Administrator, in majority of the matters,

deliberately and malafidely, did not hold the general body meeting for nominating the delegates. The petitioners cannot be made to suffer. Due to fault on the part of the Administrators, the societies would not find their representation. Such an illegality deserves to be rectified. The learned counsel for the petitioners submits that the petitioners would restrict their request for entering their names in the voters list and they would not claim right to contest the election of federal society. The same can be achieved without disturbing the election programme. The voting is scheduled on 02.04.2021. One month still remains. The Administrator can be directed to hold the general body meeting for passing the resolution nominating the delegates and the name of the delegates can be incorporated in the final voters list without disturbing the election programme. The same would facilitate the fair elections. The learned counsel refers to the order passed by this Court in Writ Petition No.3046 of 2021 dated 12.02.2021.

5. Mr. Kadam and Mr. Dighe, learned counsel for the election authority submit that it is the case of total lethargy on the part of the petitioners. The public notice was issued in two local newspapers on 18.12.2019 so also the notices were issued by R.P.A.D. to all the societies intimating them for sending the names of the delegates. None of the societies have sent the name of their delegatee supported

with the resolution. Now, after a slumber they have approached the Court. According to the learned counsel, the election programme has been declared on 26.02.2021. The nomination papers are invited from 26.02.2021. The last date for accepting the nomination papers is 05.03.2021. According to the learned counsel, the petitioners are at fault. They did not put forth their claim at the relevant time, though the public notices were issued in two local newspapers so also notices were also issued by R.P.A.D.

6. We have considered the submissions canvassed by the learned counsel for the parties. There cannot be any dispute with the proposition that the Administrators at the most can continue for a period of one year. In the present matters, the Administrators are appointed and are continued for more than 4-5 years.

7. It also appears that public notices were issued on 18.12.2019 in two local newspapers inviting resolutions nominating the delegates from the societies. In none of the matters, the resolutions are passed upon holding the general body meeting for nominating the delegates. As such, their names were not included in the voters list.

8. It appears that even after the fresh programme was published for the provisional voters list after one year, still the resolutions were not passed, nor the general body meetings were held. It also cannot be disputed that it is the duty of the Administrator to call for the general body meeting at the relevant time. The members could have insisted the authority not to continue with the said Administrators as the Administrators are not performing their duty. We do not find any such grievance ventilated by the petitioners before the authorities. In some of the matters representations are shown to have been made to the Administrator and the Secretaries of the concerned societies. We would have appreciated the case of the petitioners if the resolutions were passed even subsequent to the publication of the first list and prior to the present programme. Now the election programme is also published. It would be too late in the day to exercise writ jurisdiction. In case of writ petition No.3046 of 2021 relied by the petitioners, the election programme was not declared. It is almost six days, the election programme has been declared. Some of the matters are filed just few days before the declaration of the election programme.

9. It appears that the petitioners were not vigilant about their right at the correct time. If the petitioners would have approached this Court earlier seeking the directions against the respondents, this

Court certainly would have entertained the petitions to find the way-out so that the societies would get representations at least to the extent of voters right.

10. As much time has passed by, the election programme is also declared, it would not be possible at this stage, to pass the effective order in favour of the petitioners.

11. The writ petitions are disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane